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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK S. NELSON,)	Civil No. 06-3057-PA
)	
Plaintiff,)	ORDER
)	
v.)	
)	
JIM BIDDLE, et al.,)	
)	
Defendants.)	
_____)	

PANNER, District Judge.

Plaintiff Mark Nelson brings this *pro se* action under 42 U.S.C. § 1983 against Jackson County Sheriff's Deputies Jim Biddle, Greg Schuster, and Terry Wilson. The court previously dismissed the claims against all other defendants. The remaining defendants have now moved for summary judgment.

Legal Standards

Summary judgment will be granted if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Fed R. Civ. P. 56(c). A material fact is one that may affect the outcome. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). Summary judgment may be granted, despite the presence of factual disputes between the

parties, if the resolution of those disputes could not change the final result. Id. See also Brunet, Redish, & Reiter, SUMMARY JUDGMENT: FEDERAL LAW AND PRACTICE § 6.04 (2d ed. 2000).

The evidence, and reasonable inferences that may be drawn from it, must be viewed in the light most favorable to the non-moving party. Clicks Billiards, Inc. v. Sixshooters, Inc., 251 F.3d 1252, 1257 (9th Cir. 2001).

Discussion

The court granted Plaintiff an extension of time. The court also sent Plaintiff an Advice Notice explaining what he must do in order to oppose the summary judgment motion. Despite this, Plaintiff did not file a response to the motion. As the court previously cautioned Plaintiff, his unsworn Complaint is not evidence. Consequently, the unrebutted declarations by defendants are the only evidence before the court.

In their declarations, the defendants explain why they arrested Plaintiff. On its face, those reasons appear sufficient, and do not violate Plaintiff's civil rights. Plaintiff has not offered any evidence to the contrary.

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Conclusion

Defendants' motion (docket # 12) for summary judgment is granted.

IT IS SO ORDERED.

DATED this 6 day of August, 2007.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

Owen M. Panner
United States District Judge